

Attorney Document No. **GERAY024/01US**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Matthew ISOM, et al.

Examiner: Rodney M. Lindsey

Serial No.: 10/820,707

Art Unit: 3765

Filed: April 9, 2004

Confirmation No.: 8741

For: **APPARATUS AND METHOD FOR MAKING AN EAR WARMER AND AN
EAR WARMER FRAME**

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Issue Fee**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

ISSUE FEE TRANSMITTAL

Transmitted herewith is an Issue Fee Transmittal (Form PTOL-85) for the above-identified application.

Also enclosed is:

- ☒ Comments on Statement of Reasons for Allowance
- ☒ One return receipt postcard

Fees:

- ☒ Issue Fee of \$ 1,400.00
- ☒ Publication Fee of \$ 300.00
- ☐ Other Fees: \$ _____ for _____.

Total fee: \$ 1,700.00

Payment of Fees:

- ☒ Check in the amount of \$ 1,700.00 for the total fee is attached.
- ☐ Please charge \$___ to Deposit Account No. 50-1283 for the total fee.
This paper is being submitted in duplicate.

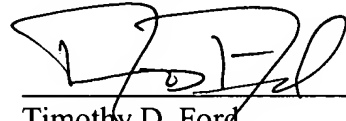
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: November 14, 2005

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Rev. 1/30/2001
Attorney Docket No. GRAY03801US

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

A statement of reasons for allowance was set forth in the Notice of Allowance mailed on August 12, 2005 in connection with the above-identified application.

While the Applicants agree that the pending claims are allowable for at least the reasons set forth in the Examiner's statement, the Applicants submit that the invention as recited by the claims and as described in the present application is patentable over the art of record for reasons in addition to those listed in the Examiner's statement. For example, Applicants note that the Examiner's statement paraphrases elements of some of the claims. Applicants also note that the language of the claims as allowed defines the invention and the language in the Examiner's statement should not be construed as limiting the claims in any manner. Moreover, the claims contain recitations in addition to those stated by the Examiner that provide additional bases for patentability over the art of record. Accordingly, the Applicants reserve the right to pursue claims of different scope than those in the present application. For example, such claims may

not necessarily need to include the elements identified in the Examiner's Statement of Reasons for Allowance in the present application.

This statement commenting on the reasons for allowance is timely submitted.

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